

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DANIEL MARTIN MOLIERI, et al.,
Plaintiffs,
v.
COUNTY OF MARIN, et al.,
Defendants.

No. C-10-5430 MMC

**ORDER SETTING ASIDE DISMISSAL;
STRIKING “OBJECTION TO NOTICE OF
LIEN”; SCHEDULING STATUS
CONFERENCE; DIRECTIONS TO
CLERK**

By Notice of Settlement filed September 20, 2013, plaintiffs and defendants jointly advised the Court they had reached a settlement agreement “as to all parties and causes of action.” (See Notice, filed September 20, 2013.) In light thereof, the Court, by order filed September 23, 2013, dismissed the above-titled action, without prejudice to any party’s certifying, within ninety days, that the agreed consideration had not been delivered.

Before the Court is “Defendants County of Marin, Scardina, Richardson and Bondanza[’s] Request for Decision on Notice of Lien Filed 2/19/13.” In said request, filed October 18, 2013, defendants state the settlement agreement cannot be effectuated in light of a Notice of Lien filed February 19, 2013 by Bonnie Haskins (“Haskins”), and ask the Court to “take action or give guidance” on the Notice of Lien and on an “Objection” thereto filed by plaintiff Danilo Molieri. (See Defs.’ Notice at 2:17-18.) Having read and considered defendants’ request, the Court rules as follows:

1 1. Because defendants have stated they cannot provide the agreed consideration in
2 light of Haskins' asserted lien, the Order of Dismissal filed September 23, 2013, is hereby
3 SET ASIDE, and the Clerk is DIRECTED to reopen the case.

4 2. The "Objection to Notice of Lien," purportedly filed March 15, 2013 by Danilo
5 Molieri "in propria persona," is hereby STRICKEN, for the reason that he was at such time,
6 and continues to be, represented by counsel in the instant matter.¹

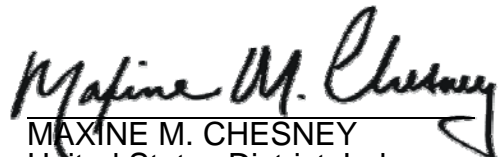
7 3. Should a party, through counsel, seek relief pertaining to the Notice of Lien, said
8 party shall file with the Clerk of Court and serve on Haskins a motion noticed for hearing in
9 conformity with Civil Local Rule 7-2.

10 4. A status conference is hereby SCHEDULED for December 13, 2013, at 10:30
11 a.m. The parties are DIRECTED to file a Joint Status Conference Report no later than
12 December 6, 2013. In said joint report, the parties shall, inter alia, indicate whether a
13 referral for a further settlement conference is appropriate.

14 5. The Clerk is DIRECTED to serve a copy of this order on Haskins.

15 **IT IS SO ORDERED.**

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17 Dated: October 31, 2013.

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MAXINE M. CHESNEY
United States District Judge

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27 ¹On October 25, 2013, Haskins filed a declaration, in which she states Danilo Molieri
28 has paid a portion of the amount claimed in the Notice of Lien, and that she is now
asserting a lesser amount, specifically, "\$9197.74 plus any additional costs and interest
accruing." (See Haskins Decl. at 2:9-10.)